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AMO's Response To: The Ministry of the Environment Waste Reduction Office's Initiatives Paper No. 1, Regulatory Measures to Achieve Ontario's Waste Reduction Targets

Association of Municipalities of Ontario
November 1991

MISSION STATEMENT

AMO unites Ontario's municipalities.

We take pride in promoting, supporting and enhancing strong and effective municipal government.

We provide strategic leadership by:

- developing and effectively promoting responsive quality policy;
- informing and educating governments, the media and the public;
- marketing innovative and beneficial services.

Our elected representatives, municipal officials and association staff form a team which values and respects:

- diversity and local autonomy;
- fairness and equity;
- consultation;
- consensus;
- co-operation.

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EXECUTIVE SUMMARY

The Minister of the Environment, the Honourable Ruth Grier, released her Waste Reduction Office's Initiatives Paper No. 1, Regulatory Measures to Achieve Ontario's Waste Reduction Targets, on October 9, 1991.

The Ministry of the Environment (MOE) staff consulted with the Association of Municipalities of Ontario (AMO) on the document's contents before it was released, and several changes relevant to municipalities were made to the document before it was released. AMO appreciated the opportunity to provide that important municipal input to the Initiatives Paper. AMO now is commenting on the final document, which was released on October 9, 1991.

AMO's response is divided into two sections. The first deals with general, but very crucial, recommendations which AMO makes to the Minister of the Environment and her staff. The second section details AMO's specific responses to the various sections in the MOE's Initiatives Paper No. 1.

In this response, there are also references to the July 19, 1991 draft of the MOE's Waste Management Regulation under the Environmental Protection Act. This was an earlier draft of the contents of the Waste Reduction Office's Initiatives Paper No. 1. It contained some points which have not been clarified in the Initiatives Paper No. 1. AMO has included its comments to have the MOE clarify these before the current discussion paper is enacted in regulation.

In the first section of this response, AMO has addressed four critical areas. The first is that the MOE's "permit by rule" regulation is very necessary and long overdue. In its recommendation on this area, AMO says the Minister of the Environment should separate the "permit by rule" regulation - identified in the Initiatives Paper as "Approvals for Recycling Sites" - from the remaining regulations. The "permit by rule" regulation should then receive provincial approval, and be enacted, as soon as possible.

In the second section, AMO is pleased the MOE is finally addressing source separation, audits and workplans for the industrial, commercial and institutional (ICI) sector. But, in keeping with the "4Rs"

hierarchy of reduction, reuse, recycling and recovery of energy-from-waste, the Ontario Ministry of the Environment should encourage the industrial, commercial and institutional (ICI) sector to ensure that its workplans emphasize the first two "Rs" of reduction and reuse before recycling.

In AMO's third general comment, it notes the MOE has not presented the financial information necessary for municipalities to make appropriate decisions on these regulations. Because this information is so critical to both municipalities and the implementation of any provincial regulations, AMO recommends the provincial government not introduce its regulations to achieve its waste reduction targets until municipalities have been able to: a) consider both the Ministry of the Environment's regulations and its accompanying funding package, and b) respond as to how these can be financially implemented.

In its last general comment, AMO recommends that the Ontario Ministry of the Environment develop models for how the concepts embodied in the regulations presented in the Initiatives Paper could be implemented in Ontario communities. This model should be developed for communities of different types and sizes and should document what should be considered for a typical program.

After the general comments, AMO makes a large range of very detailed comments on the MOE paper. These are noted under titles which correspond to the MOE paper's titles: Approvals for Recycling Sites, ICI Sector Source Separation, Waste and Packaging Audits and Workplans, Municipal Source Separation Programs, Municipal Leaf and Yard Composting, and Controlled Compost.

AMO concludes that many Ontario municipalities are supportive of the general issues which the Ministry of the Environment is addressing. But it again emphasizes that it is critical that the financial issues surrounding these regulations be dealt with before this program can proceed. While municipalities wish to work as partners in this area, it is only by addressing such key concerns as financing the system that the system can succeed.

1 INTRODUCTION

The Minister of the Environment, the Honourable Ruth Grier, released her Waste Reduction Office's Initiatives Paper No. 1, Regulatory Measures to Achieve Ontario's Waste Reduction Targets, on October 9, 1991.

The Ministry of the Environment (MOE) staff had consulted with the Association of Municipalities of Ontario (AMO) on the contents of the document before it was released. AMO appreciated the opportunity to provide that important municipal input to the Initiatives Paper, and it appreciates this opportunity to make a formal response to the Initiatives Paper which the MOE has released. AMO has appreciated the work which the MOE has been doing to consult with it and municipalities in conjunction with the province's Waste Reduction Action Plan.

After the consultation sessions, AMO's response to the Initiatives Paper was drafted and approved by the AMO Ad Hoc Waste Management Committee, then endorsed by the AMO Board of Directors in November 1991. AMO's response was to be forwarded to the Minister of the Environment in December 1991 so she was aware of the response of Ontario municipalities to her proposed regulations for her Waste Reduction Action Plan.

AMO appreciates some of the changes which the MOE has already made to its document to reflect municipal concerns and interests. However, it presents this response with the hope that several other key factors will also be addressed.

AMO's response also includes some references to the July 19, 1991 draft of the MOE's Waste Management Regulation under the Environmental Protection Act. This was an earlier draft of the contents of the Waste Reduction Office's Initiatives Paper No. 1. There are some points in it which have not been clarified in the Initiatives Paper No. 1, and AMO wishes to bring these to the MOE's attention so these may be clarified before the current discussion paper is enacted in regulations.

AMO's response has been divided into sections according to the sections designated in the MOE's Initiatives Paper No. 1, Regulatory Measures to Achieve Ontario's Waste Reduction Targets. General comments have also been added in a section before the detailed analysis of the MOE's Initiatives Paper.

2 GENERAL COMMENTS

2.1 PERMIT BY RULE TO PROCEED

The Ministry of the Environment's Initiatives Paper, Regulatory Measures to Achieve Ontario's Waste Reduction Targets, contains a wide range of initiatives. There are regulations which promote faster provincial approval for certain waste management sites, namely recycling sites. These "permit by rule" regulations allow sites to be approved if they meet certain provincial requirements. These regulations are meant to streamline the Environmental Protection Act so these sites can be more readily available.

The Initiatives Paper also contains regulations pertaining to several other initiatives. One of these relates to source separation, and waste and packaging audits and work plans for the industrial, commercial, and institutional (ICI) sector. The second and third regulations are for Municipal Source Separation Programs and Municipal Leaf and Yard Composting.

The Association of Municipalities of Ontario (AMO) welcomes the introduction of the "permit by rule" regulations. Regulations to streamline the Environmental Protection Act are long overdue and they are necessary to help municipalities across Ontario and the private sector build the integrated waste management systems which they now need to address the province's municipal solid waste needs.

Because of that, AMO urges the Minister of the Environment to separate the "permit by rule" regulation - identified in the Initiatives Paper as "Approvals for Recycling Sites" - from the remaining regulations. The "permit by rule" regulation should receive provincial approval, and be enacted, as soon as possible. This would greatly assist municipalities, and still allow full discussion of the other proposed regulations.

RECOMMENDATION #1:

The Minister of the Environment should separate the "permit by rule" regulation - identified in the Initiatives Paper as "Approvals for Recycling Sites" - from the remaining regulations. The "permit by rule" regulation should receive provincial approval, and be enacted, as soon as possible.

2.2 ICI SOURCE SEPARATION, AUDITS AND WORK PLANS

In this section of the Initiatives Paper, the MOE plans to introduce a regulation which governs the recycling and waste reduction activities for the industrial, commercial and institutional (ICI) sector. About 30,000 businesses will retain the information gleaned from waste audits and their work plans in their own place of business. Another 500 major food and packaging users will have to file their plans with the MOE. With either category, a provincial officer or municipal by-law officer will be able to check on the plans.

AMO is pleased that the MOE is finally addressing this critical section of the waste generation stream. In keeping with the "4Rs" hierarchy of reduction, reuse, recycling and recovery of energy-from-waste, AMO urges the MOE to encourage this sector to ensure that its plans emphasize the first two "Rs" of reduction and reuse before recycling.

RECOMMENDATION #2:

In keeping with the "4Rs" hierarchy of reduction, reuse, recycling and recovery of energy-from-waste, the Ontario Ministry of the Environment should encourage the industrial, commercial and institutional (ICI) sector to ensure that its workplans emphasize the first two "Rs" of reduction and reuse before recycling.

2.3 FUNDING MUNICIPALITIES

Many of the regulations proposed in the MOE's Initiatives Paper have major cost implications for municipalities. But none of these implications has been addressed in the MOE's Regulatory Measures to Achieve Ontario's Waste Reduction Targets.

The MOE staff has said its Initiatives Paper on "who pays" for Ontario's waste management system will not be ready for consultation with AMO until early in 1992. The issues expected to be raised in that document as well as those in this Initiatives Paper are linked together, but they are not being discussed together. Thus, it is extremely difficult for AMO to offer full comment on the regulations in the current Initiatives Paper. It is also extremely difficult for AMO to say how these regulations will impact municipalities without the accompanying financial information.

The funding question is raised several times throughout this paper, particularly in the regulations dealing with municipal source separation programs and municipal leaf and yard composting. It is also a serious concern now because of the MOE's proposed implementation schedule of July 31, 1991 for both of these regulations. By fall 1991, Ontario municipalities had already begun to establish their 1992 budgets. To have regulations with such major municipal cost implications introduced after this process is completed, and without the appropriate funding information to accompany them, could cause severe hardship for many municipalities. The Minister of the Environment and her staff hardly need to be reminded that many of these municipalities are also grappling with soaring welfare costs and are experiencing severe budget constraints. To omit this important information at this time, and then to quickly proceed with the regulations before the financial implications are understood and addressed, could mean severe difficulties for municipalities.

This component of AMO's response is related to the statement which AMO made in its June 1991 response to the Minister of the Environment's Waste Reduction Action Plan (WRAP). In its policy paper at that time, AMO's Policy Position on Reduction and Reuse (91-11), AMO said the Ontario government should release the municipal cost impact statements for its mandatory

composting and mandatory recycling programs as soon as possible. AMO also said at that time that this information should be made available to AMO and municipalities before the province takes any further steps to make these programs mandatory.

This funding question is critical since many of the cost components of the programs which would be affiliated with mandatory municipal source separation and mandatory leaf and yard material composting programs have not yet been addressed. This particularly includes the long-term funding of the Blue Box program, an issue which the MOE is also addressing separately from this Initiatives Paper.

AMO's initial position has been communicated to the Minister of the Environment in letters, reports and meetings. But AMO takes this opportunity to reiterate its stand. AMO urges the MOE not to proceed with introduction of its regulations until municipalities have been able to: a) consider together both the regulations and their accompanying funding package, and b) respond as to how these can be financially implemented. Until that information is available, municipalities cannot comment on the full cost implications of these regulations.

RECOMMENDATION #3:

The provincial government should not introduce its regulations to achieve its waste reduction targets until municipalities have been able to: a) consider both the Ministry of the Environment's regulations and its accompanying funding package, and b) respond as to how these can be financially implemented.

2.4 PROGRAM MODELS

Many municipalities are supportive of the waste reduction goals established by the Minister of the Environment, and more municipalities are already working diligently to achieve those. But, many municipalities are concerned about the implications which the goals, and their accompanying regulations, could have for their areas.

AMO believes it would be a great aid to these municipalities if the Ministry of the Environment could develop models for how the concepts embodied in the regulations presented in this Initiatives Paper could be implemented in Ontario communities. To be most helpful, this model should be developed for communities of different types and sizes and it should document what should be considered for a typical program.

> RECOMMENDATION #4:
>
> The Ontario Ministry of the Environment should develop models for how the concepts embodied in the regulations presented in the Initiatives Paper, Regulatory Measures to Achieve Ontario's Waste Reduction Targets, could be implemented in Ontario communities. This model should be developed for communities of different types and sizes and it should document what should be considered for a typical program.

3 INTRODUCTION TO REGULATORY MEASURES

The introduction of the Ministry of the Environment's Initiatives Paper No. 1, Regulatory Measures to Achieve Ontario's Waste Reduction Targets, provides a synopsis of the regulations presented in the paper which will be implemented under the authority of the Environmental Protection Act. It sets these in the context of the province's waste reduction goals - reducing municipal waste going to landfill by at least 25 per cent in 1992 and at least 50 per cent by the year 2000 - and the Minister of the Environment's Waste Reduction Action Plan aimed at achieving those targets.

4 APPROVALS FOR RECYCLING SITES

Intent and Impact

- In this section, Initiatives Paper No. 1 spells out details of the "permit by rule" regulation. This is the regulation which the MOE plans to introduce to help establish

certain types of recycling sites. The regulation is designed to streamline the current Environmental Protection Act approvals process so these sites must only comply with the regulations in order to be approved.

AMO supports the introduction of this regulation. As noted in its General Comments (Section 2.1), this streamlined process will aid municipalities and AMO has urged the province to move ahead with it as quickly as possible.

- In the sub-section, "Impact - Alternative approval route" (page four), the MOE says use of this "alternative approval route" of permit by rule does not exempt a recycling site from compliance with municipal by-laws, fire department regulations, other provincial legislation, and other provisions of the Environmental Protection Act.

  AMO urges the MOE to clarify whether or not this list includes statutes governing municipalities, such as the Municipal Act, the County Bill which amended the Municipal Act, and regional municipal acts.

Classified Material Types

- AMO urges the MOE to add a clause to this section on page five, and to the ensuing regulation, which would accommodate other materials as a "classified material type" if the facility operator can demonstrate to the satisfaction of the municipality and the MOE that local conditions and markets would support the viability of accepting the material and permit its processing at a "permit by rule" facility.

- In the definition "fine paper", on page six of the paper, the MOE should clarify whether or not envelopes are included.

Recycling Sites

- "Site" was a definition which was included in the MOE's July 19, 1991 draft of the proposed regulation for this area, but has been excluded from this paper. The July 19, 1991 definition read:

  > "'site'" means one property and includes nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not travelling along, a public highway." (Definition #44, page 5)

AMO urges the MOE to clarify this definition if it is to be introduced into the regulation.

- The MOE should write the regulation for leaf and yard waste composting sites so these cannot be located in close proximity to residences.

- The MOE should clarify that leaf and yard material transfer stations would be permitted under the permit by rule regulation.

- In the definition "multi-material recycling site", on page seven, AMO urges the MOE to add the phrase, "and other such material" after the list of acceptable items. The list may otherwise not cover all of the materials which a multi-material recycling site can receive and process.

Standards for Recycling Sites

- In the sub-section, "Records and Plans", on page eight, the MOE should:

  - define the operating site;
  - include in the "as constructed" drawings of the site a capacity rating of the waste and product storage areas;
  - include as a requirement in the operating plans a control program in accordance with Section 8 of the Environmental Protection Act'.

- In the sub-section, "Public Notification", on page nine, the MOE should:

  - not mix public consultation with a "permit by rule" regulation. In order for this regulation to work as it was intended, the proponent should notify the public, then proceed by the provisions outlined in the "permit by rule" regulation;

  - clarify what it means by "local" municipality;

  - define "adjacent" in "adjacent property owners"; and

  - if it wishes comments on the proponent's proposal from municipalities, work with municipalities to determine a more flexible time-frame which will be appropriate to allow municipalities of different sizes and capabilities to provide this.

- In the sub-sections, "Operation and Design" on page nine, and "Siting", "Material Receipt and Storage", and "Reporting" on page ten, the MOE should clarify that it is responsible for enforcing compliance with the regulation components which have been outlined.

- In the sub-section, "Operation and Design", on page nine, the MOE should:

  - change the "Paving" clause so it does not apply to the rural area or suburban areas not served by a paved road;

  - change the areas noted in the "Paving" clause to "area of operation". This would provide more clarity than such a term as "access roads", which may have different meanings in different municipalities;

  - link the compliance with a control program in this section with the requirement for a control program in the sub-section, records and plans; and

  - change the "Storing municipal recyclable materials" clause so glass igloos do not have to be inside a building or be screened.

- In the sub-section, "Material Receipt and Storage", on page ten, the MOE says the storage capacity should be equal to fifteen days of process design capacity. The MOE should be more specific regarding pre-process storage capacity and post-process storage capacity.

- In the sub-section, "Ministry Notification", on page eleven, municipalities should be notified of an application for a Certificate of Approval at the same time that the Ministry of Environment receives this from a private proponent.

5 ICI SECTOR SOURCE SEPARATION, WASTE AND PACKAGING AUDITS AND WORKPLANS

Impact

- AMO is concerned about the MOE's page 12 reference that the Blue Box has "succeeded in diverting a significant amount of residential waste". When referring to this program, the MOE should put it in the context of the disproportionate costs which municipalities pay for the Blue Box program.

Classification Waste Generators

- In the definitions for "Construction business" and of ICI "Demolition business" on page thirteen, the MOE should recognize that these businesses are often seasonal. The MOE should clarify whether the regulation applies to businesses with more than fifty persons on the payroll at any time or with a full time equivalent of fifty persons during the year.

Waste Audits and Waste Reduction

- AMO is pleased that the MOE is addressing this critical section of the waste stream. However, AMO urges the province to ensure that some means is introduced into the regulation to ensure that designated businesses comply with it.

- AMO is pleased that in the sub-section, "Required action", on page fourteen, municipalities are also to be given the authority to inspect an industrial, commercial, institutional (ICI) waste generator's waste audit, annual review and its accompanying report.

- In the sub-section, "Required action", on page fourteen, the MOE refers to "local municipality" in the clauses which begin, "Maintain waste audit records...", "Conduct an annual review...", and "Prepare a workplan...". AMO urges the MOE to remove the term "local" from "local municipality" so the appropriate municipality, whether it is lower-tier or upper-tier, may address this task.

- In the sub-section, "Implementation", on page fifteen, AMO urges the MOE to extend its deadlines for completing waste audits and workplans. This is particularly true for the class of waste generators which must complete this task by July 31, 1992. That deadline allows little time between the finalization of the regulations, which may not occur until the spring of 1992, and the deadline.

- The province should clarify that it is responsible for enforcing the regulations which are related to ICI waste audits, packaging audits and work plans. If, as the MOE staff has inferred, there is to be a transfer of authority from the province to the municipalities, then the appropriate funding should also accompany the transfer of authority so municipalities will have the ability to carry out this area which the province will have mandated that they enforce. If that information is already being considered in other MOE documents, then those documents should be presented to AMO so it can discuss that information along with the regulation.

Classification of Major Packaging Users

- In the page sixteen point regarding "Food manufacturing establishments", the MOE should recognize that these can also be of a highly seasonal nature. The MOE should clarify whether the reference to "100 or more employees" refers to 100 or more employees at any time in a calendar year or 100 or more full-time equivalent employees.

Implementation

- The province should extend the 1992 deadlines which are noted in the implementation aspects of this regulation. At present, the paper states:

  - in the sub-section, "Implementation", on page fifteen, ICI waste generators as designated in section 3.3 shall complete a waste audit and workplan by July 31, 1992. All other ICI waste generators shall complete a waste audit and workplan by December 31, 1993.

  - in the sub-section, "Implementation", on page eighteen, major packaging users (Section 3.5), will be required to conduct the first packaging audit and prepare a workplan and submit a report to the Ministry of the Environment by July 31, 1992. All other packaging users in the sectors described in Section 3.5, regardless of size, shall conduct a packaging audit and prepare a work plan by July 31, 1993.

  AMO believes the 1992 deadlines are too optimistic given that the MOE regulations to enforce these areas probably will not even be finalized until the late winter or early spring of 1992.

Table 3-1

- The MOE should clarify whether the infrastructure exists, or can be developed, by the various compliance dates to transport, process and find markets for the increased quantities of source separated materials listed in this table on page twenty.

6 MUNICIPAL SOURCE SEPARATION PROGRAMS

Definitions

- In the definitions "Curbside collection system" and "Depot collection system" on page twenty-one, the MOE should rewrite its definitions so they are less

restricted by the clause "transportation of such waste to a waste disposal site". Source separated materials should either no longer be defined as waste or the definition should be expanded to include transportation of such waste to a waste disposal site, recycling site, or transfer station. Otherwise, if all of these are considered waste disposal sites, that should be included in the definitions.

Required Action

- The paper states on page twenty-two that all municipalities with a population of 5,000 or more - including cities, towns, villages, townships, area municipalities, and separated towns - will be required to establish and maintain source separation programs. Regarding this, AMO urges the MOE to:

  - define "area municipalities", and

  - recognize the difference in density between townships and towns of 5,000 people. Municipalities with less dense population bases may not be able to implement recycling infrastructures as conveniently as those with more dense population bases, and this should be considered in designing these regulations.

- In this section, the paper also states that municipal source separation programs shall include:

  - the provision of collection, handling and storage facilities for source separated materials, and where collection services shall match those for refuse collection.

    AMO's response is that municipalities should be the level of government which determines "where collection services shall match those for refuse collection."

  - the provision of appropriate storage containers to any householders residing in a dwelling serviced by municipally-operated curbside or depot refuse collection.

AMO urges the MOE to change this clause so municipalities are left with the flexibility to determine the best means for implementing the programs within their own jurisdictions.

- reasonable efforts to direct separated materials to beneficial uses.

  AMO's response is that the MOE should better define "reasonable efforts" to direct separated waste materials to beneficial uses.

  The MOE should also acknowledge the province's role in developing markets for these programs. That was identified as one of the Minister of the Environment's priorities, as announced in her Waste Reduction Action Plan of February 21, 1991. At that time, she said in point 7, "I intend to develop an aggressive marketing strategy, to encourage a strong and sustained demand for source separated used materials. Market development is one of the most challenging aspects of our action plan."

- In this section, the MOE also does not mention the province's role in communicating information to the public regarding source separation. The Minister of the Environment said in point 8 of the Waste Reduction Action Plan, which she announced on February 21, 1991, that the MOE was developing a "comprehensive public education program" to provide information, promotion, training and technical assistance on waste reduction to the public, schools, municipalities and industries. This program was to be implemented in coordination with the other initiatives which she had noted. However, the program is not mentioned in these regulations.

Implementation

- On page twenty-two of its paper, the MOE proposes that municipalities which are to introduce source separation will be required to implement these programs by July 31, 1992.

AMO urges the MOE to extend this deadline as it is not realistic for municipalities. The regulations may not be finaalized until early in 1992. By the fall of 1991, Ontario municipalities had already begun to establish their 1992 budgets and these would be in place before the regulations are even placed. Given that no financial information has been released with this package, and municipalities are also facing many other increases - such as for welfare - this deadline could cause severe hardship for many municipalities.

Miscellaneous

- One point which was not raised in this paper, but has been a subject for discussion during the MOE's consultations with AMO, is the base date which the MOE set from which it plans to measure progress toward its waste reduction targets of 25 per cent by 1992 and 50 per cent by the year 2000. The MOE established the base date of 1987 two years ago, but 1987 information may not always be available, or readily comparable, for municipalities' use. AMO urges the MOE to work with municipalities to confirm this data before implementation.

- AMO also urges the MOE to account for population growth when calculating municipalities' waste reduction targets. Municipalities which have had a large population growth, and thus a large growth in total solid waste generated, should have their 1987 base line adjusted to account for this.

- AMO urges the MOE to clarify the impact of these source separation regulations on Blue Box recycling programs versus two or three-stream waste separation. The latter is what some municipalities are beginning to explore, and municipalities should be free to implement the waste management systems most appropriate to their jurisdictions.

- AMO urges the MOE to clarify which level of government is going to enforce these mandatory source separation regulations. The MOE staff has indicated the province will enforce these unless municipalities wish permissive legislative authority to do so. If this is an option, the MOE should discuss this with AMO. Otherwise, municipalities

should not be asked to enforce the standards unless the province provides the funding for the resources with which municipalities can provide enforcement.

7 MUNICIPAL LEAF AND YARD COMPOSTING

Required Action

- In the "Intent" section of this regulation on page twenty-three, the MOE says "all Ontario municipalities where leaf and yard material is collected separately from municipal waste" must begin community composting facilities for leaf and yard material. In the "Required Action" section of this regulation, on page twenty-four, the MOE says "all municipalities shall provide a leaf and yard material composting system for all residential sources serviced by a municipally-operated leaf and yard material collection system which was in place as of January 1, 1991."

  AMO urges the MOE to work with AMO to define which types of municipalities would be required to do leaf and yard composting, as well as when this could begin and how it would be financed. Rural Ontario municipalities which have not been collecting leaf and yard material should not be subjected to this regulation since this material is not now going to their landfill sites. Some large urban municipalities have separate leaf and yard material collection programs. Other municipalities have leaf and yard waste entering their landfill, but not through a separate collection process. If the goal of this regulation is to reduce waste entering landfills, then the MOE must further discuss with AMO how this can be best achieved in a fair and reasonable manner.

- The paper says the municipality must provide appropriate leaf and yard waste receiving containers at local depots and landfill sites where persons may bring municipal waste. AMO's response is municipalities should be allowed the flexibility to decide what system best works in their jurisdiction if this regulation is to apply to them.

- AMO also urges the MOE to include a section which notes that collection will only be available at certain times of the year, such as spring and fall, when it is most appropriate for municipalities to operate it. Municipalities cannot bear the cost of operating systems during times of the year when they are not needed.

- In the point which notes the municipality's leaf and yard composting system shall include the element "Reasonable efforts to direct compost to beneficial uses", AMO urges the MOE to recognize that municipalities may need provincial support to find end users for these materials.

Standards for Leaf and Yard Material Composting Sites

- The province should clarify that it is responsible for enforcing compliance, particularly with the "operating and design" and "sampling and analysis" components noted on page twenty-five and the "Material receipt and storage" component on page twenty-six.

- In the "Operation and design" sub-section on page twenty-five, the regulation should provide for clarification of the size of the operation on the site. This could be done by requiring the proponent to state the maximum quantity permitted on the site at each stage in the process.

- Municipalities are concerned about the cost of such items as: the construction of compost sites, sampling and analysis, and material receipt and storage.

Implementation

- As noted in the previous regulation, mandatory source separation programs, the MOE's proposed implementation date for municipal leaf and yard material composting systems is not realistic for most municipalities. These regulations may not be finalized until early in 1992. Ontario municipalities began to establish their 1992 budgets in the fall of 1991. At that time, the regulations had not been finalized and the MOE had not yet released the municipal cost statements for this program or its discussion paper on "Who Pays" for the province's suggested waste management system. To have regulations with such major municipal

cost implications introduced after the municipal budgeting process is completed, and without the appropriate funding information to accompany them, could cause severe hardship for many municipalities. AMO urges the MOE to release this information and to delay the deadline proposed in the "Implementation" section on page twenty-six of its paper.

8 CONTROLLED COMPOST

Background

- The MOE says on page 27 that the interim compost guidelines may require revision. AMO urges the MOE to identify when this will be done and to consult with municipalities before any changes are made to the current interim compost guidelines.

  In the meantime, AMO urges the MOE to address "Controlled Compost" in a regulation separate from those in this paper so it does not impede the progress of the desirable aspects of other regulations in this paper.

Compost Use Options

- In the point which begins on page twenty-eight and says, "Where controlled compost is applied to a site more than once in a five-year period, the compost producer may not allow any further application without monitoring the concentration of metals in the soil", the MOE should acknowledge there are various grades of compost and provide time-frames which reflect this reality.

- The MOE should work with municipalities to define what is "reasonable" notice in the point on page twenty-nine which says, "Compost producers must maintain records of controlled compost application sites for a minimum of ten years. Such records must be available for inspection by an official of the MOE on reasonable notice."

9 CONCLUSION

AMO appreciates this opportunity to make a formal response to the Initiatives Paper which the MOE has released, and in this paper AMO has addressed the various points which effect municipalities.

In presenting this response, municipalities wish the Minister of the Environment and her staff to know they are supportive of the general issues which she and they are addressing. But, as was noted at the beginning of this paper, it is crucial that financial issues be dealt with before this program can proceed. AMO also urges the Minister and her staff to pursue these recommendations as quickly as possible. By thus working together, AMO believes municipalities and the provincial government can address this province's waste management concerns.

10 SUMMARY OF RECOMMENDATIONS

Recommendation #1

The Minister of the Environment should separate the "permit by rule" regulation - identified in the Initiatives Paper as "Approvals for Recycling Sites" - from the remaining regulations. The "permit by rule" regulation should receive provincial approval, and be enacted, as soon as possible.

Recommendation #2

In keeping with the "4Rs" hierarchy of reduction, reuse, recycling and recovery of energy-from-waste, the Ontario Ministry of the Environment should encourage the industrial, commercial and institutional (ICI) sector to ensure that its workplans emphasize the first two "Rs" of reduction and reuse before recycling.

Recommendation #3

The provincial government should not introduce its regulations to achieve its waste reduction targets until municipalities have been able to: a) consider both the Ministry of the Environment's regulations and its accompanying funding package, and b) respond as to how these can be financially implemented.

Recommendation #4

The Ontario Ministry of the Environment should develop models for how the concepts embodied in the regulations presented in the Initiatives Paper, Regulatory Measures to Achieve Ontario's Waste Reduction Targets, could be implemented into Ontario communities. This model should be developed for communities of different types and sizes and it should document what should be considered for a typical program.

APPENDIX A - ACKNOWLEDGMENTS

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